

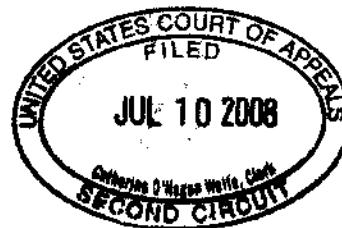
Jun-28-08 09:03pm From:USCA 2nd-STAFF COUNSEL

+2128578887

T-105 P-003/003 F-129

07 au 3494

MANDATE



UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

RITCHIE v. COVENTRY.

No. 08-1584-cv

8-1584-cv

**STIPULATION WITHDRAWING APPARENTLY PREMATURE APPEAL
WITH CONDITIONAL RIGHT TO REINSTATE**

It appears that the above joint appeal taken by Ritchie Capital Management, LLC, Walkers SPV, LTD, and Ritchie ITC-Limited Strategies Trading, LTD is premature because co-plaintiffs-appellants Ritchie I and Ritchie ITC's claims for breach of contract is still pending in District Court, i.e., said claim was non-waived without prejudice, see Chappelle v. Beacon 84 F. 3d 652 (2d Cir. 1996), and no certification was granted under FRCP 54(b). See, Hageman v. City Investing, 887 F. 2d 29 (2d Cir. 1989); Durotest v. W.H.B., 110 F. 3d 527, 532 (2d Cir. 1997). The undersigned counsel for the parties hereby stipulate that the above appeal is hereby withdrawn, without costs and without attorneys' fees for the time spent on this appeal, pursuant to FRAP 42(b). This stipulation shall not preclude any appeal from a final judgment, i.e., adjudicating all the claims and the rights and liabilities of all the parties. Appellants retain the right to raise, in such subsequent appeal from a final judgment, the issues sought to be raised in this appeal.

The parties further stipulate that, only in the event that this Court were to rule, in a subsequent appeal from a final judgment, that appellants could not raise therein the issues presented in this appeal, leave is hereby granted to appellants to reinstate the instant appeal within 30 days of any such ruling; and the briefs in the subsequent appeal may stand as the briefs in the reinstated appeal.

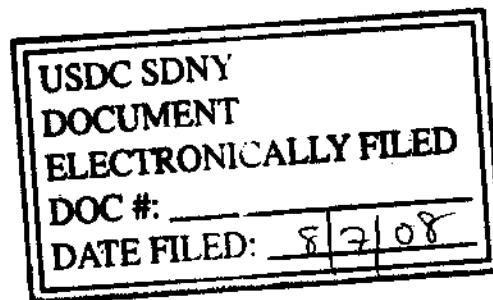
[Signature]
Attorney For Appellee

[Signature]
Attorney For Appellants

SO ORDERED

FOR THIS COURT
Catherine O'Hagan Wolfe, Clerk of Court
by *[Signature]*
Honorable A. Bartlett G. Bass
Honorable A. Bass, SDNY Court

July 10, 2008



A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by *[Signature]*

- Issued as Mandate. -

7/18/08 YC